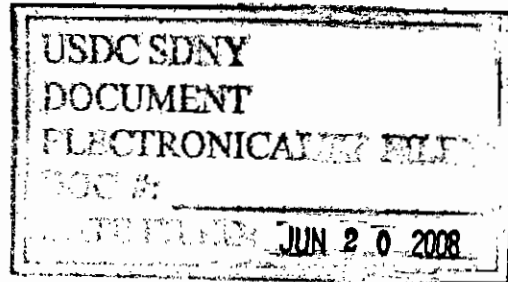


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
AMS GROUP, et al.,

Plaintiffs,

-v-

No. 07 Civ. 6988 (LTS)(HBP)

JP MORGAN CHASE BANK,

Defendant.
-----X

ORDER

Defendant JP Morgan Chase Bank, N.A. ("Chase" or "Defendant") moves pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss the claims asserted in Plaintiffs' Amended Complaint in this Equal Credit Opportunity Act ("ECOA") and tortious interference action. Plaintiffs AMS Group, a minority-owned and controlled business, and its principals Donald Greaves and Saint Clair Jackson ("Plaintiffs"), allege that Defendant unlawfully discriminated against them by refusing to lend them \$135,000,000 for the acquisition of an oil refinery in Texas. Plaintiffs also asserts that Defendant damaged their relationship with the Texas oil refinery by communicating certain information to the refinery. Defendant seeks dismissal of the action on statute of limitations grounds, among others.

Both Plaintiffs and Defendant have submitted materials and referenced matters outside of the pleadings in connection with the motion. Therefore, pursuant to Rule 12(d), the Court will treat Defendant's motion as one for summary judgment under Rule 56.

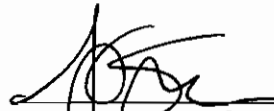
Plaintiffs shall have **until June 30, 2008** to file and serve, with a courtesy copy

provided for Chambers, any further legal argument as to why the Court should deny Defendant's motion, and any affidavits, witness statements, documents, letters or any other evidence countering the facts asserted by Defendant, including those facts relevant to Defendant's statute of limitations defense, and raising issues of fact for trial. Any witness statements must be in the form of affidavits. Plaintiffs may submit their own affidavit and/or the affidavits of others.

Defendant will then have until July 10, 2008, to serve and file, with a courtesy copy for Chambers, any response to Plaintiffs' supplemental submission. In light of this Order, the June 27, 2008, Initial Pre-Trial Conference, as well as the related submission requirements, as detailed in the Court's August 31, 2007, Initial Conference Order, are adjourned pending further order of the Court.

SO ORDERED.

Dated: New York, New York
June 20, 2008


LAURA TAYLOR SWAIN
United States District Judge